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10/804,630	03/19/2004	Brandon Lynn Satanek	2003-0657.01	7857

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EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/804,630

Applicant(s)

SATANEK, BRANDON LYNN

Examiner

Sara M. Hanne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/1/04, 3/19/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the pop-up" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-11 and 25-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. MPEP 2106. The claims are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

The claims, while defining a "graphical user interface ", do not define a "computer-readable medium" and is thus non-statutory for that reasons. An apparatus can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The Office suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 10-18, 21-26 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al., US Patent Application Publication 2002/0186252, hereinafter Himmel, and further in view of Bates et al., US Patent 5872566, hereinafter Bates-566.

As in Independent Claim 1, Himmel teaches a graphical user interface for browsing information displayed to a user (window, ref. 115), the information including one or more elements (information, ref. 150), the graphical user interface comprising: a display window(window, ref. 115), a scrollbar positioned within the display window, the

scrollbar having a first end and a second end (scrollbar, ref. 120); a slider located between the first end and the second end of the scrollbar and configured such that movement of the slider causes information in the display area to be scrolled (slider, ref. 150), a data-line having a plurality of tick marks (indicator, ref. 160); While Himmel teaches a scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, they fail to show the data-line positioned adjacent to the scrollbar, a graphical element associating the slider to the data-line and the slider having a size based on the size of the elements of information as recited in the claims. In the same field of the invention, Bates-566 teaches a scrollbar interface with data-line having a plurality of tick marks similar to that of Himmel. In addition, Bates-566 further teaches the slider having a size that is based on the size of the one more elements of information (Col. 5, line 60 et seq.); a data-line positioned adjacent the scrollbar (side by side to scroll bar, Fig. 7), and a graphical element associating the slider to the data-line (the scroll bar is a graphical element associates the slider with the data-line). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 before him at the time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, taught by Himmel to include the data-line positioned adjacent to the scrollbar, a graphical element associating the slider to the data-line and the slider having a size based on the size of the elements of information of Bates-566 in order to obtain the scrollbar for browsing information positioned within a display window controlled by a

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slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line. One would have been motivated to make such a combination because a way to slowly adjust what is viewed through the scroll bar in large documents would have been obtained, as taught Bates-566 (Col. 2, line 23 et seq.).

As in Independent Claim 12, Himmel method of organizing data in a graphical user interface, the method comprising: providing a display window with a perimeter in the graphical user interface (window, ref. 115), displaying a set of data in the display window, the set of data having zero or more elements; (information, ref. 150), providing a scrollbar along the perimeter of the display window, the scrollbar having a first end and a second end; (scrollbar, ref. 120); associating a slider with the scrollbar and configuring the slider such that movement of the slider causes information in the display area to be scrolled (slider, ref. 150); and a data-line, the data-line having a plurality of tick marks (indicator, ref. 160); While Himmel teaches a scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, they fail to show the data-line positioned adjacent to the scrollbar, as recited in the claims. In the same field of the invention, Bates-566 teaches a scrollbar interface with data-line having a plurality of tick marks similar to that of Himmel. In addition, Bates-566 further teaches a data-line positioned adjacent the scrollbar (side by side to scroll bar, Fig. 7). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 before him at the

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time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, taught by Himmel to include the data-line positioned adjacent to the scrollbar of Bates-566 in order to obtain the scrollbar for browsing information positioned within a display window controlled by a slider, and a data-line adjacent to the scrollbar having a plurality of tick marks. One would have been motivated to make such a combination because a way to slowly adjust what is viewed through the scroll bar in large documents would have been obtained, as taught Bates-566 (Col. 2, line 23 et seq.).

As in Independent Claim 25, Himmel teaches a graphical user interface for browsing information displayed to a user (window, ref. 115), comprising a display window(window, ref. 115), a scrollbar next to the display window (scrollbar, ref. 120); a slider associated with the scrollbar and configured such that movement of the slider causes information in the display area to be scrolled (slider, ref. 150), a data-line having a plurality of indicia that define chunks of data (indicator, ref. 160); While Himmel teaches a scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of indicia that define chunks of data, they fail to show the data-line positioned adjacent to the scrollbar, and a marker associating the slider to the data-line as recited in the claims. In the same field of the invention, Bates-566 teaches a scrollbar interface with data-line having a plurality of tick marks indicating chunks of data similar to that of Himmel. In addition, Bates-566 further teaches a data-line positioned adjacent the scrollbar (side by side to scroll bar, Fig. 7), and a marker associating the slider to the data-line (the scroll bar is a graphical element

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associates the slider with the data-line). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 before him at the time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, taught by Himmel to include the data-line positioned adjacent to the scrollbar, and a marker associating the slider to the data-line of Bates-566 in order to obtain the scrollbar for browsing information within a display window controlled by a slider, a data-line adjacent to the scrollbar having a plurality of indicia that define chunks of data and a marker associating the slider to the data-line. One would have been motivated to make such a combination because a way to slowly adjust what is viewed through the scrollbar in large documents would have been obtained, as taught Bates-566 (Col. 2, line 23 et seq.).

As in Claims 2, 13 and 26 Himmel teaches a separator presented in the display area between a first group of elements of information and a second group of elements of information (space between ref. 102 and 103 separates the image group from the text group).

As in Claims 3, 14 and 29, Himmel teaches a first arrow button located at the first end of the scrollbar; and a second arrow button located at the second end of the scrollbar (Scrollbar, ref. 120).

As in Claim 4, 15 and 30, Himmel teaches the slider is configured to be moved by a cursor device (slider, ref. 140 and corresponding text).

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As in Claim 5, 16 and 31, Himmel teaches the data-line is configured to indicate chunks of data (tick marks indicate chunks of text, rows of a table or images, Pg. 2, Par. 19 et seq.).

As in Claim 6 and 17, Himmel teaches the data-line is configured to display a pop-up display associated with a chunk of data (Fig. 4 and corresponding text).

As in Claim 7 and 18, Himmel teaches the pop-up display includes information regarding data in the chunk of data (the popup of Fig. 4 indicates number of rows in the table).

As in Claims 10 and 21, Himmel teaches the display area is rectangularly-shaped and has a vertical edge and a horizontal edge (Fig. 4).

As in Claim 11, Himmel teaches the scrollbar is positioned adjacent next to the vertical edge (Fig. 4, vertical scrollbar).

As in Claim 22, Himmel teaches configuring the scrollbar to have a first and second end and positioning the slider between the first and second ends (Fig. 4).

As in Claim 23, while Himmel teaches a scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks (See Claim 12 rejection *supra*), they fail to show sizing the slider based on the size of the elements of information as recited in the claims. In the same field of the invention, Bates-566 teaches a scrollbar interface with data-line having a plurality of tick marks similar to that of Himmel. In addition, Bates-566 further teaches the slider having a size that is based on the size of the one more elements of information (Col. 5, line 60

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et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 before him at the time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, taught by Himmel to include and the slider having a size based on the size of the elements of information of Bates-566 in order to obtain the scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, and a data-line having a plurality of tick marks. One would have been motivated to make such a combination because a way to indicate to the user the relative size of the document it is viewing would have been obtained, as taught Bates-566 (Col. 2, line 23 et seq.).

As in Claim 24, while Himmel teaches a scrollbar for browsing information positioned within a display window controlled by a slider and a data-line having a plurality of tick marks, they fail to a graphical element associating the slider to the data-line as recited in the claims. In the same field of the invention, Bates-566 teaches a scrollbar interface with data-line having a plurality of tick marks similar to that of Himmel. In addition, Bates-566 further teaches a graphical element associating the slider to the data-line (the scroll bar is a graphical element associates the slider with the data-line). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 before him at the time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider and a

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data-line having a plurality of tick marks, taught by Himmel to include the graphical element associating the slider to the data-line Bates-566 in order to obtain the scrollbar for browsing information within a display window controlled by a slider, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line. One would have been motivated to make such a combination because a way to slowly adjust what is viewed through the scroll bar in large documents would have been obtained, as taught Bates-566 (Col. 2, line 23 et seq.).

As in Claim 28, Himmel teaches the data-line includes a plurality of tick marks (indicators, ref. 160).

7. Claims 8, 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al., US Patent Application Publication 2002/0186252, hereinafter Himmel, Bates et al., US Patent 5872566, hereinafter Bates-566 and further in view of Glei et al., US Patent 5739817, hereinafter Glei.

Himmel and Bates-566 teach a scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line (see rejection of independent claims as shown *supra*). While Himmel and Bates-566 teach the scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar

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having a plurality of tick marks and a graphical element associating the slider to the data-line, they fail to show the data-line is arranged temporally as recited in the claims. In the same field of the invention, Glei teaches a scrollbar control similar to that of Himmel and Bates-566. In addition, Glei further teaches the data-line is arranged temporally (Fig. 3, 4 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 and Glei before him at the time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line taught by Himmel and Bates-566 to include the temporal arrangement of the data line from Glei, in order to obtain the scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a temporally arranged data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line. One would have been motivated to make such a combination because a navigation control for a monitoring system for viewing a large amount of time-based data would have been obtained, as taught by Glei.

8. Claims 9, 20 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al., US Patent Application Publication 2002/0186252, hereinafter

Himmel, Bates et al., US Patent 5872566, hereinafter Bates-566 and further in view of
Bates et al., US Patent 5874961, hereinafter Bates-961.

Himmel and Bates-566 teach a scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line (see rejection of independent claims as shown *supra*). While Himmel and Bates-566 teach the scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line, they fail to show the data-line is arranged alphabetically as recited in the claims. In the same field of the invention, Bates-961 teaches a scrollbar with a data-line control interface similar to that of Himmel and Bates-566. In addition, Bates-961 further teaches the data-line is arranged alphabetically (ref. 77 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel and Bates-566 and Bates-961 before him at the time the invention was made, to modify the scrollbar for browsing information positioned within a display window controlled by a slider, having a size based on the size of the elements of information, a data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line taught by Himmel and Bates-566 to include the data-line arranged alphabetically of Bates-961, in order to obtain the scrollbar for browsing information positioned within a display window

controlled by a slider, having a size based on the size of the elements of information, a alphabetically arranged data-line adjacent to the scrollbar having a plurality of tick marks and a graphical element associating the slider to the data-line. One would have been motivated to make such a combination because a scroll control for quickly finding words in an alphabetic list would have been obtained, as taught by Bates-961.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al., US Patent Application Publication 2002/0186252, hereinafter Himmel, Bates et al., US Patent 5872566, hereinafter Bates-566 and further in view of Arbab et al., US Patent 6778192, hereinafter Arbab.

Himmel and Bates-566 teach scrollbar for browsing information within a display window controlled by a slider, a data-line adjacent to the scrollbar having a plurality of indicia that define chunks of data and a marker associating the slider to the data-line (see rejection of Independent Claim 25 as shown *supra*). While Himmel and Bates-566 teach the scrollbar for browsing information within a display window controlled by a slider, a data-line adjacent to the scrollbar having a plurality of indicia that define chunks of data and a marker associating the slider to the data-line, they fail to show a separator is configured to be anchored at a point in the display area as recited in the claims. In the same field of the invention, Arbab teaches a scroll-controlled interface similar to that of Himmel and Bates-566. In addition, Arbab further teaches a separator is configured to be anchored at a point in the display area (Fig. 3 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel

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and Bates-566 and Arbab before him at the time the invention was made, to modify the scrollbar for browsing information within a display window controlled by a slider, a data-line adjacent to the scrollbar having a plurality of indicia that define chunks of data and a marker associating the slider to the data-line taught by Himmel and Bates-566 to include the separator is configured to be anchored at a point in the display area of Arbab, in order to obtain the scrollbar for browsing information within a display window controlled by a slider, a data-line adjacent to the scrollbar having a plurality of indicia that define chunks of data and a marker associating the slider to the data-line with a separator anchored at a point in the display area. One would have been motivated to make such a combination because a way to easily reference locations in a large document would have been obtained, as taught by Arbab (Col. 2, line 1 et seq.).

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar scrollbar and data-line interfaces for use in temporal, alphabetic and other data arrangements.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

smh



WEILUN LO
SUPERVISORY PATENT EXAMINER